

1873-002 Chancery Causes: Marion G. Pennington. vs. Rachael E. Pennington &
Lee Co.

Reed, Stickley

1 Plat

CA - Estate Dispute
T - Property

To The Honorable Henry J Morgan
Judge of the Court of Lee County
Your Obedient Son J Pennington humbly
complaining respectfully represents - That
in the Year 18 his father Jim Pennington
departed this life intestate - At the time
of his death he owned in fee a tract of
land which had been conveyed to him by
deed from Geo B Milbourne bearing date
on the 20th January, 1860 and containing
by estimation 119 acres - He also owned in
fee another tract which contains by estimation
195 acres and was conveyed to him
by John B Pennington by deed bearing
date on the 26th of March 1869. Both
of these deeds are of record in the clerk's
office of this Court and to which reference
is made - And copies of which are herewith
filed. The said lands lie east of Jonesville
some 3 or 4 miles and on the north side of
Pawels river. These tracts of land have
descended in possession to the children of Intestate
who are his heirs at law and whose names
are as follows to wit, ^{who is the wife of said J Pennington} Marion J Pennington
Your Obedient Son, Rachael E Pennington, Martha
J Pennington, Ann S Pennington and Susan
W Pennington - the last named four are
infants. Now the object of this bill is to have
partition made of said lands among said heirs

He states that it would be beneficial
to him and not prejudicial to the other
co-possessors to have his share laid
off on one side of the land -
He thinks that it would also be
to the interest of the other heirs to
have their interests laid off adjoining
as he understands they contain lots
making one street and it will
promote their interest to have it in
one body. His prayer is that the
said Richard E. ^{and his husband David & Grace} Morten, John A.
and Susan W. Pinnington be made
defendants ^{the said David & Grace} all of whom are infants ^{unpl}
and he therefore prays that a
guardian ad litem be appointed
for them who will answer this
bill and protect their interests and
on a hearing he prays that commissioners
be appointed directed to make partition
of said land among said heirs
according to their right and grant
general relief may summons issue on

Wm. B. Peckham
for Plff.

→ Wm. Orator states that the decedent Ben
Pinnington left a widow who would be entitled
to dower in said land, but she has released to
said heirs all of her interest, so that the whole
land should be partitioned without regard
thereto -

C. 6.02 Paid ¹⁸⁷³
 A. 10.00
 S. 1.50 Paid
 C. 5.00 Paid
 Court. 12.00
 Add for C. 1.47
 \$40.99

Morton J Pennington

P. { Bill. of
 .

Michael E ^{Deca 1873}
~~Pennington~~

1873 Jan N Bill filed

Wm H Orr app'd guardian
 ad litem - Ans of Inf't
 filed and cause set for
 hearing.

1873 Jan Term, Decree for partition
 continued
 Feb & March continued
 April Decree final.

David J. Cook.

To the Hon Wm J Morgan Judge
of the County Court of Lee County Va

The answer of David J Reed and
Rachel E his wife ~~jointly~~ ~~jointly~~
to a bill filed in this Court against
them by Marion J Pennington for
the purpose of having the lands of
which Gen Pennington died the owner
partitioned among his heirs at
law who are mentioned in the
bill. These respondents have no
objection to the object of said bill
they only pray that their interest
be protected and that a full
share be assigned them,
and having answered &c

David J Reed

Rachel E Reed

By Marion J Pennington
Their Attorney in fact

David J. Reed et al

ads } answer

Miriam Pennington

Filed at January Rules 1873.
James W. Corbitt

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County Virginia.

The joint answer of Ross Stickley and
Vestine Stickley infant heirs and children
of Vestice Stickley deceased by David Miller
their Guardian ad litem filed in Your Hon-
orable Court against them and Henry J. Morgan
Administrator of William Cornes deceased and
Andrew J. Litton admr. De Bonis now of Vestines
Stickley deceased and Guardian for Ross and
Vestine Stickley by Wright Stickley, Worth
Stickley, and Benjamin T. Richmond and
Martha Richmond his wife Complainants

And for answer thereto these defendants who
are infants by David Miller, ^{their} Guardian ad litem
say that they reserve to themselves now and at
all times hereafter the full benefit of all proper
exceptions to Complainants' bill and further state
that they are infants under the age of twenty
one years and have no personal knowledge of
the facts and allegations contained in Compls.
bill and if they had they have not the judg-
ment and discretions of persons of maturer years
and consequently neither admit nor deny
the allegations contained in Complainants bill
but the Courts of Chancery being the peculiar
guardians of the rights and interest of infants
these defendants ~~xxxix~~ ask the protection of
the Court in any and all things that affect
their rights and interests in the premises and

they further ask that the Court require of
the Complainants to proceed in this cause ac-
-cording to the strict rules of equity and justice.

And having answered as fully as it is deemed
advisable and necessary for them to answer
they ask to be dismissed with their costs.

David Miller

Guardian ad litem

Shown to before me by David Miller. this October 19th 1871.

James W Orr Clerk
Circuit-Court Lee County Va

Wright-Stickley et al

vs
Guardian of Guardian
ad litem

Henry J Morgan et al

To the Honorable Henry S. Morgan Judge of the County
Court of Lee County.

The joint answer of Rachael E. ^{Pena} Pennington, Martha S. Pennington,
John S. Pennington and Lawson W. Pennington infant heirs of Lion Pennington decd.
by Wm A. Orr their guardian ad litem to a bill filed in your Honorable court
against these defendants by Marriam S. Pennington who is also an heir of said
Lion Pennington decd. The object of which bill is to have partition of the lands
in the bill mentioned among said heirs: And for answer thereto your respondent
says that he knows of no reasons why said partition ^{should not be made}, but thinks it proper
and right that the same should be made. But courts of chancery being
the peculiar guardians of the rights and interests of infants your respondent
asks the protection of the court in any and all things that effect
their rights in the premises; and further asks that the complainant
be required to proceed according to the strict rules of equity, & having
answered as fully as he is advised it is material for them to
answer he prays to be dismissed with his costs.

Wm A. Orr G. A. C.

Sworn to before me the 22d day of January 1873.
James W. Orr. Clerk.

Marion J. Pennington
vs. J. H. of L. A. L.
Richard C. Pennington
D. C. Pennington
D. C. Pennington

Filed at January Rules 1873.
James W. Orr, Clerk

Fee for this and \$5.00

Moses J. Pennington Plff }
against }
Rachael & ~~Pennington~~ ^{Reed} ~~vs~~ ^{vs} Deft. } Inbly

This Cause Came on this day to be heard
on the bill of the Plaintiff exhibits
filed - the answer of the ^{on part} defendants by
Their guardian ad litem William B. ~~Pennington~~
^{and the answer of David J. Reed and Rachael & his wife}
And was argued by Counsel
And no reason appearing why partition
of the land in the bill mentioned should
not be made among the Heirs of
Gion Pennington dec'd. An Consideration
whereof it is adjudged ordered and decreed
That Corn Bailey, Martin Catter
and Andrew Baumgardner, who are
hereby made Commissioners for the purpose,
do go upon the lands in the bill mentioned
and assign to the plaintiff on some side,
Three Sixt quantity as will be equal in
value to one-fifth part of the whole,
and the remainder they will partition into ~~four~~
equal parts and assign or allot one of these parts
to each of the other co-possessors to wit Rachael
& ^{the wife of David J. Reed} ~~Pennington~~ ^{Reed} ~~vs~~ ^{vs} ~~Deft~~
Moses J. Pennington, John
Pennington and Lawson W. Pennington and
any two or more of these shares may be laid off
adjoining - The said Commissioners will make
a plot of the land partitioned and report it

Morton J Pennington

v. { Decree

Rachael & Pennington
Entered order Book page
195.
James W. Orr. clk

Enter this Decree
H. J. Morgan
Jan 28/73

boundaries and quantity, and about 500
acres and the same is continued

Motion of Pennington Plff }
against } In by
Rachael & Reed et al Defts }

This Cause Came on This day to be heard again
upon the papers formerly read and and report
of Esqr Bailly Martin Collier & Andrew Baumgardner
our Commissioners appointed by a former decree
in this Cause to partition the land in the
bill mentioned among the heirs of John
Pennington dec'd. And was argued by Counsel
And it appearing by said report that the said
Commissioners assigned to the plaintiffs a certain
tract ^{of land} of 62 acres considered of the value of
one fifth of the whole ^{in the bill mentioned} which is bounded as
follows. to wit Beginnings at 2 black oaks
on the South side of the Lincolnton road
near Daniel Halls shop. Thence with said
road westwardly 48 poles & 17 links to a
stone, Thence N. 18 W 182 poles to a stone on
Barons line and with the same N. 15 E 62
poles to a black walnut and black oak corner
to said Barons land and also corner
to Henry Milbarns land and with said
Milbarns line S. 15 E 210 poles to the
Beginning - the remainder of the land in
the bill mentioned is assigned to the
others in one body and described by its
metes and bounds in said report - and
said report being filed more than 20 days
and no exceptions being filed thereto. the
same is confirmed. It is therefore adjudged

ordered and decreed that the plaintiff
 hold by title from and to the land
 assigned him in view of the fact from the
 claim of the other heirs of B Pennington
 And it is further decreed that the land assigned
 to the defendants be held by them as free
 from the claim of the plaintiff. it is
 further ordered that the decree ordering partition
 the plot & report of commissioners and this
 decree be recorded in ^{the clerk's book} the office of this court
 And as this suit has been brought for
 the joint benefit of plaintiff and defendants
 it is ordered that the defendants pay the
 plaintiff 4/5th the costs of this suit
 and the cause is continued ~~shut down~~ off
 the docket.

Wm. Pennington

93 { decree - final

Rachael & Reddick

Entered order Book page
262.

James W. Orr, clerk.

Enter this Decree

H. W. Orr

April 22/72

Virginia

At a county court begun and held for Lee County, at
the court house thereof on the 20th day January 1873.

Marion J. Pennington

Plaintiff

against

Eschmeyer

Rachael E. Reed et al.

Defendants

This cause came on this day to be heard on the bill of the
Plaintiff exhibit filed, the answer of the infant defendants by their
Guardians ad litem Wm. A. Orr and the answer of David J. Reed
and Rachael E. his wife, and was argued by counsel.

And no reasons appearing why the land in the bill mentioned
should not be partitioned among the heirs of Lewis Pennington
decd. On consideration whereof it is adjudged, ordered and
decreed that Lewis Bailey Marston Leallin and Andrew Pennington
guardians who are hereby made commissioners for the purpose
to go upon the land in the bill mentioned, and assign
to the Plaintiff an some side thereof such quantity as
will be equal in value to one fifth part of the whole, and
the remainder they will partition into four equal parts &
assign or allot one of these parts to each of the other
defendants, to wit:— Rachael E. Reed the wife of David J.
Reed, Martha J. Pennington, John A. Pennington &
Lawson W. Pennington, and any two of these or more
of these shares may be laid off adjoining. The
said commissioners will make a plat of the land
partitioned and report its boundaries and quantity &
report to this court and the cause is continued.

A copy

Teste Wm. A. Orr &c.

Marion J. Vinnington
vs Copy of Deed
Michael E. Reed & dr

Witnessed C. L. Hamblin
J. L. C.



Marion J. Pennington Plff. vs. Rachel E. Reed
et als. Defts. } In Chancery.
To The Honorable Henry J. Morgan Judge of The County
Court of Lee County. Pursuant to Your decree
rendered on the 20, day of January 1873. The undersigned
who were named in said decree as commissioners for
that purpose have partitioned the land in the Bill
mentioned among the heirs of Zion Pennington dead
in accordance with said decree. Your Commissioners
have laid off and assigned to the Plff. Marion J.
Pennington, One fifth part of the land in the Bill
mentioned, which is bounded as follows: Beginning
at 2 Black oaks on the South side of the Fincastle
road, near Dan. Hall's Shop; Thence with said road
Westwardly 48 poles & 17 links to a Stake; Thence N. 18 W.
182 poles to a Stake on Barrow's line & with the same
N. 51 E. 62 poles to a Black walnut & Black oak corner
to said Barrow's land & also corner to Henry Milbourn's
land & with said Milbourn's line S. 15 E. 210 poles to
the beginning; containing 62 acres be the same more or
less. See Fig. 1, 2, 3, 4, 1.

And we have laid off and assigned to Rachel E. Reed
the wife of David J. Reed, Martha J. Pennington, John-
A. Pennington and Lawson W. Pennington, four fifths
of said land whose shares are laid off together &
bounded as follows: Beginning at 2 Chestnuts on
the South side of the Fincastle road corner to Barrow's land

and with lines thereof S. 22. E. 26 poles to a Sunwood
S. 20. W. 106 poles to a dead red oak & some marked bushes
thence S. 45. E. 176 poles to a red oak; thence N. 17. E. 284 poles
to 2 Black oaks ^{on the south side of said road} now gone, near Dan. Hall's Shop. Corner to
Marion J. Pennington's lot & with lines of the same.

Westwardly along said road 48 poles & 17 links to a stake
thence N. 18. W. 182 poles to a stake on said Barrens line
& with lines thereof S. 51. W. 48 poles to 2 post oaks corner to
said Barren thence S. 12. W. 12 poles to a stake; thence
S. 21. E. 156 poles to a stake at said road & with the same
westwardly 79 poles to the beginning. Containing 252
acres be the same more or less. See Fig. 8, 9, 10, 11, 1, 2, 3, 5,
6, 7, 8. The reason that we have laid off and assigned these
four shares adjoining and together is that we are informed
that a suit is about to be instituted for the purpose of
subjecting said land to sale for the benefit of said heirs,
and the fact being suggested to us that perhaps it would
be better not to divide it into so many parts, but let it be
sold in such parcels as may suit purchasers.

February 19, 1873 All of which is Respectfully Submitted
Comrs. fees \$12.00 paid by J. H. Carr Bailey
Martin Collier } Comrs.
Andrew Baumgardner }

Marion J. Pennington
plff. v.s.
Rachel E. Reed et al.
Defts.
Partition of the land in
the Bill mentioned &
Commissioners Report

1873 Mch 18th filed.
James W. Orr clerk.

1873 April. Confirmed & ordered
to be recorded.

Recorded in Deed Book
No. 19 page 94
Jno A. Orville

The Commonwealth of Virginia.

To the Sheriff of Lee County....GREETING:

WE COMMAND YOU TO SUMMON

*Rachael E. Pennington, Martha
L. Pennington, John L. Pennington & Lawson W. Pennington*

to appear before the Judge of our *County* Court of Lee County, at the Court House in
the Clerk's Office, at Rules to be holden for said Court on the first Monday in *January*
1872
~~next~~ to answer a bill in Chancery exhibited in our said Court by *Marion L. Pennington*

And have then there this writ. Witness JAMES W. ORR, Clerk of our said Court, at the Court
House, this *6th* day of *January* 1872 in the *97th* year of the Commonwealth.

Clerk.

James W. Orr
By Wm. L. Orr D.C.

Mason J. Pennington
vs { Spanic & Co.
Richard E. Pennington
- at al.

Ann. Rules 1872

Not in issue
the parties being
non-residents of
this State.

C. Anderson & Co.
for B. D. Hamble
vs. Co.